

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1338

Introduced by Assembly Member Buchanan

February 22, 2013

An act to ~~amend Section 49600 of~~ *add Section 44692 to the Education Code, relating to educational counseling school employees.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1338, as amended, Buchanan. ~~Educational counseling. School employees: child abuse: reporting.~~

Existing law requires the State Office of Abuse Prevention to develop and disseminate information to all school districts and district school personnel regarding the detection of child abuse. Existing law, the Child Abuse and Neglect Reporting Act, requires mandated reporters, which includes teachers, to make a report if the person has knowledge of or observes a child whom the person knows or reasonably suspects has been the victim of child abuse or neglect.

This bill would require the governing body of each school district, charter school, and county office of education to adopt a policy on the reporting of child abuse and the responsibilities of mandated reporters. The bill would require each school district, charter school, and county office of education to review the mandated reporting requirements of school employees with all school personnel within the first 6 weeks of each school year. By expanding the duty of school districts, charter schools, and county offices of education, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law authorizes the governing board of any school district to provide a comprehensive educational counseling program for all pupils enrolled in the schools of the district.~~

~~This bill would make nonsubstantive changes to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 44692 is added to the Education Code,*
2 *immediately following Section 44691, to read:*

3 *44692. (a) The governing body of each school district, charter*
4 *school, and county office of education shall adopt a policy on the*
5 *reporting of child abuse and the responsibilities of mandated*
6 *reporters, as defined in Section 11165.7 of the Penal Code, in*
7 *accordance with the requirements of the Child Abuse and Neglect*
8 *Reporting Act (Article 2.5 (commencing with Section 11164) of*
9 *Chapter 2 of Title 1 of Part 4 of the Penal Code).*

10 *(b) Each school district, charter school, and county office of*
11 *education shall review the mandated reporting requirements of*
12 *school employees with all school personnel within in the first six*
13 *weeks of each school year.*

14 *SEC. 2. If the Commission on State Mandates determines that*
15 *this act contains costs mandated by the state, reimbursement to*
16 *local agencies and school districts for those costs shall be made*
17 *pursuant to Part 7 (commencing with Section 17500) of Division*
18 *4 of Title 2 of the Government Code.*

19 ~~SECTION 1. Section 49600 of the Education Code is amended~~
20 ~~to read:~~

21 ~~49600. (a) The governing board of a school district may~~
22 ~~provide a comprehensive educational counseling program for all~~
23 ~~pupils enrolled in the schools of the school district.~~

24 ~~(b) For purposes of this section, "educational counseling" means~~
25 ~~specialized services provided by a school counselor possessing a~~

1 valid credential with a specialization in pupil personnel services
2 who is assigned specific times to directly counsel
3 pupils. Educational counseling shall include, but is not limited
4 to, all of the following:

5 (1) Academic counseling, in which pupils receive counseling
6 in the following areas:

7 (A) Establishment and implementation, with parental
8 involvement, of the pupil's immediate and long-range educational
9 plans.

10 (B) Optimizing progress towards achievement of proficiency
11 standards.

12 (C) Completion of the required curriculum in accordance with
13 the pupil's needs, abilities, interests, and aptitudes.

14 (D) Academic planning for access and success in higher
15 education programs including advisement on courses needed for
16 admission to public colleges and universities, standardized
17 admissions tests, and financial aid.

18 (2) Career and vocational counseling, in which pupils are
19 assisted in doing all of the following:

20 (A) Planning for the future.

21 (B) Becoming aware of their career potential.

22 (C) Developing realistic perceptions of work.

23 (D) Relating to the work world.

24 (3) Personal and social counseling, in which pupils receive
25 counseling pertaining to interpersonal relationships for the purpose
26 of promoting the development of their academic abilities, careers
27 and vocations, personalities, and social skills.

28 (e) Nothing in this section shall be construed as prohibiting
29 persons participating in an organized advisory program approved
30 by the governing board of a school district, and supervised by a
31 school district counselor, from advising pupils pursuant to the
32 organized advisory program.

33 (d) Notwithstanding any provisions of this section to the
34 contrary, any person who is performing these counseling services
35 pursuant to law authorizing the performance thereof in effect before
36 January 1, 1987, shall be authorized to continue to perform those
37 services on and after that date without compliance with the
38 additional requirements imposed by this section.

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